United Nations S/2002/582

Security Council

Distr.: General
24 May 2002
English
Original: English/Spanish

Letter dated 22 May 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Nicaragua, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

02-41010 (E) 100602 120602

Annex

Letter dated 17 May 2002 from the Permanent Representative of Nicaragua to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

[Original: Spanish]

I am pleased to write to you in your capacity as Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism.

In this connection, I have the honour to transmit the report submitted by the Government of the Republic of Nicaragua to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001) (see enclosure).

(*Signed*) Eduardo J. **Sevilla Somoza**
Ambassador
Permanent Representative

Enclosure

Report of the Republic of Nicaragua* submitted to the Counter-Terrorism Committee pursuant to Security Council resolution 1373 (2001)

Managua, 29 April 2002

Introduction

The Government of the Republic of Nicaragua is pursuing the strategic mission of "converting the country into a sure political ally — serious, reliable and consistent — of the democratic nations of the world in the struggle against terrorism, drug trafficking and money-laundering".[1]

In Nicaragua the authority responsible for suppressing terrorism is the National Police, with assistance from the Nicaraguan armed forces. Given the multidisciplinary nature of the crime, however, the involvement of other institutions, such as the Ministry of Foreign Affairs and the Office of the Attorney General, is also required.

Although Nicaragua has not been a target of international terrorism, it has demonstrated its determination to combat this scourge at the national, regional and international levels. It has vigorously condemned the acts that took place in the United States of America on 11 September 2001 and expressed its solidarity with the families of the victims and the Government of that country.

At the national level, a new penal code is under debate in the legislature which would include definitions of such offences as money- and asset-laundering. In addition, the Plan of the Republic of Nicaragua against Terrorism and Related Offences is nearing completion, and the resolutions of the United Nations Security Council have been brought to the attention of the competent authorities so that they may take the specific measures called for in their areas.

At the regional level, the Central American Plan for Comprehensive Cooperation to Prevent and Combat Terrorism and Related Activities was adopted; it constitutes a strategy and a flexible mechanism for communication and direct coordination among the security agencies of each State and other institutions. At the international level, Nicaragua has signed and ratified a number of conventions to combat terrorism.

Pursuant to paragraph 6 of resolution 1373 (2001), the following report is submitted on the measures that have been adopted by State institutions in order to combat terrorism in implementation of the provisions of resolution 1373 (2001) adopted by the Security Council on 28 September 2001. Some of these measures are already in operation.

---

* The annexes to this report are on file with the Secretariat and are available for consultation.

[1] Inaugural address of President Enrique Bolaños Geyer given on 10 January 2002.

Resolution 1373 (2001)

Paragraph 1

(a) Prevent and suppress the financing of terrorist acts:

A National Committee on the implementation of the Central American Plan for Comprehensive Cooperation to Prevent and Combat Terrorism and Related Activities was formed by Decree No. 108-2001 of 26 November 2001. Its chief function is to advise and support the Government in all matters related to combating terrorism, in the adoption of national and regional measures and the incorporation of international instruments on the subject in domestic law and the dissemination of their provisions (annex 1: Decree No. 108-2001).

The Committee operates under the auspices of the Ministry of Foreign Affairs and is in the process of finalizing its National Plan.

In order to define the role of each institution within the Committee, on 19 February 2002 the representatives of the Technical Commission were given training on the various forms that acts of terrorism may assume. At the training seminar, the Ministry of Health made a presentation on chemical and biological terrorism, and the National Police and the Nicaraguan armed forces considered organized crime and its various manifestations.

(b) Criminalize the wilful provision or collection, by any means, directly or indirectly, of funds by their nationals or in their territories with the intention that the funds should be used, or in the knowledge that they are to be used, in order to carry out terrorist acts:

The Penal Code defines terrorism under the heading of offences against public order. Article 499 states:

> "Persons are guilty of terrorism and shall be subject to a non-commutable sentence of six months' to two years' imprisonment who, with the aim of disrupting public order and provoking or causing unrest in the country:
>
> "(a) Use weapons, explosive or incendiary devices or materials, asphyxiating or poisonous gases or tear gas in places of assembly, churches, public buildings, private homes, streets or similar places;
>
> "(b) Import, sell, manufacture, store, ship or transport such weapons, devices or explosive materials, or who incite, advise, direct or facilitate such import, sale, manufacture, storage, shipment, transport or use;
>
> "(c) Sabotage or carry out acts intended to result in sabotage of goods, facilities and machinery belonging to the State, to private individuals or to a public utility of any kind; and
>
> "(d) Threaten harm to institutions, officials or individuals by means of correspondence, radio, telephone, telegraph, leaflets, images, drawings on walls or in other locations or by any similar means."
>
> Article 500 of the Penal Code stipulates:
>
> "If the perpetrator of the terrorist offence cannot be discovered, the promoters or instigators shall be held liable."

The new draft penal code is now being debated in the Judiciary Committee of the National Assembly. To date Volume One, which contains general provisions on offences, misdemeanours, penalties, security measures, accessory consequences of the criminal infraction and persons criminally liable, has been adopted.

(c) Freeze without delay funds and other financial assets or economic resources of persons who commit, or attempt to commit, terrorist acts or participate in or facilitate the commission of terrorist acts; of entities owned or controlled directly or indirectly by such persons; and of persons and entities acting on behalf of, or at the direction of such persons and entities, including funds derived or generated from property owned or controlled directly or indirectly by such persons and associated persons and entities:

Articles 61 and 62 of the Act on Narcotic Drugs, Psychotropic Substances and Other Controlled Substances and Laundering of Money and Assets Deriving from Illicit Activities contain the following definition of the offence of laundering money and/or assets deriving from illicit activities or related ordinary offences to the injury of the State:

> "(a) Any person who, acting alone or through the intermediary of a natural or legal person, conducts with other persons or with banking, financial, commercial or other establishments commercial transactions and operations deriving or originating from illicit activities;
>
> "(b) Any person who, acting alone or through the intermediary of a natural or legal person, conceals, insures, converts, invests, has in safekeeping, administers or acquires funds or material objects or the proceeds thereof and gives the funds and assets deriving from illicit activities the appearance of legality. Persons who commit this offence shall be liable to 4 to 20 years' imprisonment and a fine equal to twice the value of the assets involved. If the offence is committed through legal persons, in addition to the penalties incurred by the natural persons judicial supervision of the entity may be ordered;
>
> "(c) The intermediary or the owner, administrator, legal representative or agent of an entity who authorizes, allows or carries out the transactions, knowing the illicit origin of the funds or proceeds;
>
> "(d) Any person who, acting alone or through the intermediary of another person, participates in transactions or contracts, real or pretended, involving the acquisition, possession, transfer or administration of assets or securities with the intention of concealing, receiving or falsifying financial resources obtained as a result of illicit activities;
>
> "(e) Any person who, acting alone or through the intermediary of another person, knowing the illicit origin of the funds or the proceeds thereof, authorizes, allows or carries out the transactions related to the laundering of the funds and/or assets, taking advantage of his or her function, job or position, shall be liable to 5 to 10 years' imprisonment and a fine equal to twice the value of the assets or funds he or she has authorized to be laundered."

Article 23 of the above-mentioned Act provides for the creation of the Financial Analysis Commission, to be chaired by the Prosecutor General. The functions of the Commission are to:

1. Suggest policies for preventing and suppressing the offence of asset-laundering;

2. Uncover any activity related to the laundering of money and any assets deriving from illicit activities;

3. Investigate and study possible techniques and methods used in laundering money and assets.

The Superintendency of Banks and Other Financial Institutions must assist the Commission in the exercise of its duties and provide it with any information it possesses related to the banking system or other financial entities, so that the Commission can examine and analyse the information and compare it with any other information it may have in order to determine what operations may be connected with illicit activities and what can be used as documentary evidence of a transaction in criminal, civil and administrative proceedings instituted in connection with investigations of the crime of laundering money and assets.

In article 2 of the Superintendency of Banks and Other Financial Institutions Act, the Superintendency is empowered to "authorize, supervise, oversee and inspect the establishment and functioning of all banks and bank branches and agencies operating in the country, whether State-owned or private, national or foreign, that regularly engage, directly or indirectly, in activities as intermediaries between financial resource supply and demand or render other banking services".

The Superintendency is the authority that requests judicial supervision of an institution, company of any kind or business directly or indirectly involved in the commission of the crime of laundering money and assets deriving from illicit activities.

The lifting of bank secrecy has been requested through the competent courts in order to determine whether terrorists or terrorist organizations have funds, stock, bonds or shares on deposit in Nicaragua.

(d) Prohibit their nationals or any persons and entities within their territories from making any funds, financial assets or economic resources or financial or other related services available, directly or indirectly, for the benefit of persons who commit or attempt to commit or facilitate or participate in the commission of terrorist acts, of entities owned or controlled, directly or indirectly, by such persons and of persons and entities acting on behalf of or at the direction of such persons:

All persons entering Nicaragua, whether nationals or aliens, must show and declare the cash, securities, objects and precious metals they are bringing with them above a value of US$ 10,000 or the equivalent in local or another foreign currency.

According to article 32 of the Act on Narcotic Drugs, Psychotropic Substances and Other Controlled Substances and Laundering of Money and Assets Deriving from Illicit Activities, financial institutions must maintain accounts in the names of their clients and may not maintain anonymous accounts or accounts held under fictitious or incorrect names. They must verify by precise means the identity, status as agent, domicile, legal capacity, occupation and line of business of the persons concerned, whether they are regular or occasional clients.

Article 33 of the Act provides that all financial institutions shall adopt measures to obtain and preserve information about the true identity of the persons on whose behalf they are opening a bank account or carrying out a financial transaction and must keep their records for five years after the transaction is completed.

In addition, the lists of persons to whom the above measure is applicable have been distributed to the competent authorities, including the Office of the Attorney General, the Ministry of the Interior, the Ministry of Defence and the Superintendency of Banks and Other Financial Institutions.

Paragraph 2

(a) Refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts, including by suppressing recruitment of members of terrorist groups and eliminating the supply of weapons to terrorists:

To monitor the possession of weapons and ammunition, the National Police issue the following types of licences:

1. Licence to bring weapons and ammunition into the country, for which the following requirements must be met:

- Written request;
- Invoice showing place of origin of the weapons;
- Consular certificate issued by the Embassy of Nicaragua in the country of origin;
- Personal identification document for nationals or foreign residents;
- Police record;
- Payment of import fee for each weapon.

2. Licence to operate stores that sell firearms, for which the following requirements must be met:

- Written request;
- Application;
- Liability insurance policy;
- Photocopy of applicant's personal identification document;
- Certificate of good behaviour of the owner or partner;
- Certificate of ownership or articles of incorporation of the firm showing a share capital of 100,000 córdobas;
- Registration at city hall;
- Tax identification number.

3. Licence to bear arms for private security firms, for which the following requirements must be met:

- Written request;
- Valid operating permit;
- Proof of place of origin of the weapons;
- Payment of fees.

4. Licence entitling public officials and diplomats to bear arms, for which the following requirements must be met:

- Written request;
- Photocopy of personal identification document;
- Police record;
- Document authorizing the person to bear arms;
- Two licence-size photographs, front view;
- Payment of fees.

5. Licence to bear firearms, for which the following requirements must be met:

- Invoice or affidavit for the weapon;
- Personal identification document;
- Utilities receipt;
- Four photographs (two front view and two side view);
- Presentation of the weapon;
- Payment of fees.

As regards the suppression of the recruitment of members of terrorist groups, Nicaragua has participated at the highest level in the following meetings:

- Meeting of Central American Presidents, held in Honduras on 19 September 2001, at which the Declaration entitled "Central America united against terrorism" was adopted. In that Declaration, the States of the region reiterated their total condemnation of the acts of terrorism that occurred on 11 September 2001, strongly condemned the terrorist acts of 11 September 2001, expressed their solidarity with the people and Government of the United States of America and supported the adoption and conduct of measures designed to punish those responsible in accordance with the rules of international law (Annex 2: Declaration entitled "Central America united against terrorism").
- Meeting of Heads of State, Heads of Government and Vice-Presidents, held in Tegucigalpa, Honduras, on 27 January 2002, at which the Declaration of Copán was signed. In paragraph 1 of the Declaration the participating States identified a number of issues on which increased cooperation would be desirable, including in particular efforts to combat transnational organized crime and terrorism in all its forms and manifestations (Annex 3: Declaration of Copán).
- First Summit of Heads of State and/or Government of the States Members of the Caribbean Community (CARICOM) and of the Central American Integration System (SICA) and the Dominican Republic as an Observer State,

held in Belize City on 5 February 2002. At that meeting, a Joint Declaration was adopted in which States reiterated their firm condemnation of acts of terrorism, in whatever form they are manifested, and agreed to coordinate actions to prevent and counteract such acts and related crimes[2] (Annex 4: Joint Declaration, First Summit of Heads of State and Government CARICOM-SICA-Dominican Republic).

(b) Take the necessary steps to prevent the commission of terrorist acts, including by provision of early warning to other States by exchange of information:

The following steps have been taken:

1. Strengthening of joint efforts and exchanges of information with the law-enforcement authorities of the Central American area and with international agencies, including the International Criminal Police Organization (Interpol), the United States Drug Enforcement Agency (DEA) and the French and German police;

2. Strengthening of mechanisms for communication and exchanges of information with intelligence and security agencies of the United States of America, Spain, Germany, Taiwan, Mexico, Guatemala, El Salvador, Honduras, Costa Rica and Panama, as well as with military intelligence and counter-intelligence agencies of the Central American armies comprising the Conference of Central American Armed Forces (CFAC);

3. Establishment of coordination with the Joint Information Centre in Honduras (CEINCO-HONDURAS) and the Costa Rican Drug Control Police (PCD-COSTA RICA). Information on operations conducted by friendly drug-control agencies has also been exchanged in connection with terrorism and related offences;

4. Development of a virtual customs project and a Central American customs union, under which offices for Honduras, El Salvador and Guatemala were set up in Peñas Blancas with a view to facilitating information-sharing among the countries of the isthmus;

5. Establishment within the Nicaraguan Water and Sewage Corporation (ENACAL) of a permanent central emergency committee which is responsible for the following preventive measures:

a. Identifying weak spots in the different water systems;

b. Identifying alternative sources of water;

c. Inspection of facilities;

d. Monitoring of water quality;

e. Restricting access to facilities of the water-supply system;

f. Establishment of radio links to the main production centres;

g. Establishment of a private inspection system in the main facilities (pumping stations and storage tanks);

h. Fencing off of properties and reservoir areas;

[2] Joint Declaration, First Summit Meeting of Heads of State and Government CARICOM-SICA-Dominican Republic, para. 8.

i. Routine monitoring of water quality at supply sources and throughout the distribution system;

j. Supervision of facilities and operations;

k. Gradual replacement of gaseous chlorination systems and water-purification systems based on sodium and/or calcium hypochlorite;

l. Compliance with Ministry of Health water quality standards;

m. Quality control of service by the regulatory agency, the Nicaraguan Water and Sewage Institute (INAA).

6. Improvement of coordination with border police to ensure that they report on Nicaraguans involved in terrorist acts or related offences who try to leave the country with a view to warning the receiving country;

7. Establishment of migration controls throughout the country with a view to identifying persons involved in national terrorism or organized crime through monthly plans developed jointly by the National Police and the Department of Migration and Alien Affairs;

8. Development of a project to provide training and assistance to canine officers in areas related to the detection of weapons and explosives at border stations, ports and airports;

9. Request the Department of Migration and Alien Affairs to turn over migration documents that have been found to be forgeries, with a view to creating a database that will make it possible to classify forgeries by type and to exchange information with partner countries that will prevent the use of documents by persons involved in national and international terrorism and/or organized crime;

10. Transfer of information from the National Police Department of Drugs database on nationals and foreigners who have been involved in terrorist acts or members of organizations whose objective is terrorism, destabilization and the creation of disturbances;

11. Organization of training programmes for criminal evidence experts on the gathering of physical evidence relating to terrorist acts and assistance with investigations of weapons and explosives;

12. Establishment of mechanisms to enable public security officials to monitor, register and maintain up-to-date records of shipments of chemicals and fireworks;

13. Establishment of mechanisms for coordination between the agencies concerned with a view to setting up a database on new firearms and including them in the sample collection;

14. Request the Department of Migration and Alien Affairs to allow National Police officers to receive training on the use and control of travel documents in dealing with terrorism and related offences;

15. Request the following bodies to provide training on terrorism and related crimes:

a. FBI liaison for Central America;

b. Federal Republic of Germany liaison for Central America;

c. French liaison for Central America;

d. Japanese liaison for Central America.

16. Establishment of the Information Exchange Network of the Central American Isthmus (REDICA) and the setting up of a station for the Inter-American Naval Telecommunications Network (IANTN), both currently in progress.

(c) Deny safe haven to those who finance, plan, support, or commit terrorist acts, or provide safe havens:

The Political Constitution of Nicaragua recognizes and guarantees the right of safe haven in article 42, which stipulates:

> "Safe haven and asylum are solely for the protection of persons who are persecuted because of their struggle for democracy, peace, justice and human rights."

On 28 March 1980 Nicaragua became a party to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol on the Status of Refugees.

Article 1.F.(a) of the Convention provides that refuge shall not be granted to any person who "... has committed a crime against peace, a war crime, or a crime against humanity ...".

(d) Prevent those who finance, plan, facilitate or commit terrorist acts from using their respective territories for those purposes against other States or their citizens:

The following measures have been adopted to prevent terrorist groups from using the national territory:

1. Coordination with the Consular Department of the Ministry of Foreign Affairs so that applications for residence visas are communicated to the National Police, who can then consult databanks through their counterparts in the respective countries in order to prevent persons linked to terrorist acts and related crimes from staying in our territory;

2. Coordination between the Air Force and the Navy to ensure the prompt investigation of illegal flights and suspicious vessels that might pose a threat to security;

3. Inspection of documents and goods and reporting to the National Police where anomalies are detected or where there is suspicion that documents may be false.

(e) Ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice and ensure that, in addition to any other measures against them, such terrorist acts are established as serious criminal offences in domestic laws and regulations and that the punishment duly reflects the seriousness of such terrorist acts:

As mentioned in paragraph 1 (b), the draft of a new penal code is currently being considered by the legislature. The new code is expected to provide for the punishment of any person who participates in the financing, planning, preparation or perpetration of terrorist acts.

(f) Afford one another the greatest measure of assistance in connection with criminal investigations or criminal proceedings relating to the financing or support of terrorist acts, including assistance in obtaining evidence in their possession necessary for the proceedings:

In terms of assistance in connection with criminal investigations or criminal proceedings, the following measures have been adopted:

1. Strengthening and streamlining of cooperation between administration of justice bodies in the Central American region through accession to the Treaty on Mutual Legal Assistance in Criminal Matters between the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama, in Guatemala City on 29 October 1993. Under this Treaty, mutual legal assistance in criminal matters has been provided by the States of the Central American isthmus while fully respecting the domestic laws of each State;

2. Coordination between Central American crime laboratories in support of the work of experts dealing with terrorist acts that require their joint participation.

(g) Prevent the movement of terrorists or terrorist groups by effective border controls and controls on issuance of identity papers and travel documents, and through measures for preventing counterfeiting, forgery or fraudulent use of identity papers and travel documents:

The following measures have been adopted to guard against counterfeiting:

1. Acquisition of modern technology for the issuance of identity documents with a view to enhancing security and strengthening control mechanisms;

2. Adoption of a number of security measures for the issuance of passports:

- Anti-fraud ink;
- Invisible fluorescent fibres;
- Watermarks;
- Second impression, so that the photograph must be translucent;
- Two-dimensional bar code on photograph of the person;
- Ghost image;
- Fluorescent impression;
- "Republic of Nicaragua" on the cover page and on the entire inside cover.

3. Provision for punishment for anyone involved in forging a passport or any other identity document:

Article 479 of the Penal Code stipulates:

"Any public servant who issues a passport or permit to carry weapons using a false name, or who issues a blank document, shall be liable to a term of

imprisonment of six months to one year and loss of all civil rights for a period of two to four years."

In addition, article 480 of the Penal Code provides:

"Anyone who forges a passport or a permit to carry weapons shall be punished by a term of imprisonment of from one to two years and a fine of 20,000 to 200,000 córdobas. Anyone found guilty of altering the name of the person to whom a legitimate passport or permit to carry weapons has been issued, or the name of the issuing authority, or any other special entry on the document shall be liable to the same punishment."

The following measures have been adopted at border points:

1. Increased security at the country's borders, ports and airports, through compliance with international civil aviation security standards;

2. Coordination between the Customs Department and the Department of Migration and Alien Affairs at the border ports of Guasaule, El Espino, Las Manos, Peñas Blancas and Río San Juan, so that complete information may be obtained when providing services after the scheduled hours of operation of means of transport, with a view to preventing the entry into Nicaragua of persons linked to national or international organized crime;

3. Establishment of controls on smugglers and illegal emigrants at border points in order to prevent the entry or exit of persons linked to terrorist acts;

4. Establishment of immediate operational communication between police units stationed at border areas through established border posts;

5. Establishment of strict controls over technical equipment installed for the purpose of detecting arms and explosives at the border control post situated at Peñas Blancas, on the border with Costa Rica;

6. Regulation of illegal trafficking in persons, through Act No. 240, on control of trafficking in illegal migrants, which was published in *La Gaceta, Diario Oficial*, of 20 November 1996;

7. Coordination between police chiefs and their counterparts who have responsibility for border posts within their jurisdictions, with a view to establishing a protocol for cooperation to promote joint efforts to implement the measures called for under the regional plan to combat organized crime, and consideration of the following agenda at their first meeting:

(a) Assessment of the operational situation:

- Size of the border area in square kilometres;
- Real property in the border area (farms, size of property, owners);
- Productive activity/sources of financing;
- Identification and description of the weak points used for the transport of illegal emigrants, with a view to devising operational methods for monitoring them;
- Listing of fugitives or wanted persons, including, where possible, photographs and documents that may assist in the search;

– Cases of citizens on both sides of the border previously or currently detained and for what types of offences, reports on those currently serving sentences in penitentiaries;

– Operational interest by the parties in exchanging information on pending cases in respect of which collaboration would be useful.

(b) Proposal to be jointly developed for the elaboration of specific plans to deal with manifestations of organized crime.

The following measures have been taken for the protection and monitoring of airports:

1. Introduction of more effective controls of national and international flights to detect trafficking in arms, munitions and explosive materials;

2. Assessment of the operational situation in national and international airports in order to identify weaknesses that affect international security standards and to make appropriate recommendations to the civil aviation authorities and the airport management company;

3. Adoption of special security measures for the inspection of passengers, cargo and mail at the Managua International Airport, in accordance with the communication of the Federal Aviation Administration of the United States of America and others;

4. Ongoing verification of compliance with security and travel document requirements in restricted areas of border posts and prior to passengers boarding aircraft, ships or land transport;

5. A mock exercise simulating an act of unlawful interference perpetrated at the Managua International Airport, and strengthening of the protection and security plan at the airport;

6. Coordination with officials of the management company of Managua International Airport to keep them abreast of the security measures adopted by the National Police in order to guarantee the security of passengers and company personnel and to prevent and deal with incidents and acts linked to terrorism and/or organized crime;

7. Elaboration of proposals to create a police unit comprised of specialized personnel of the National Police to participate in and enhance security at the airport in order to prevent terrorist acts;

8. Updating the inventory of airstrips in the country and provision of information on them, including physical data, as well as an inventory of national and foreign aviation companies;

9. When Nicaraguan territory is used for private flights, coordination between the Civil Aviation Department and the Air Traffic Control Department at the International Airport to ensure that information is provided on the registration of the aircraft, its capacity, point of origin, destination, reason for landing, names of pilot and passengers, and copies of documents attesting to its legal entry into the country.

The following measures have been adopted for controlling the identity of passengers:

1. Verification that the personal particulars of passengers are consistent with the information contained in their passports or equivalent documents;

2. Verification by careful reading of the travel itinerary stated in the travel document and by noting whether the traveller is fully aware of this information;

3. Establishment of periods for the exchange of general and specific information on travel movements, particularly of nationals who are of interest because of their connection with the fight against international organized crime, in order to take advantage of the consular network and of the Virtual Secretariat of the Regional Conference on Migration (RCM), of which Central America, the United States of America, Canada and Mexico, among others, are members;

4. Coordination with the Department of Migration and Alien Affairs to provide training to National Police officers in areas related to their responsibilities for controlling border posts, airports and ports, and to the tourism police and intelligence officers for training in the security systems of the different travel documents used in the region;

5. Ongoing coordination with the Department of Migration and Alien Affairs with a view to obtaining samples of travel documents that conform to the international standards used in the country;

6. Ongoing coordination with the Consular Department of the Ministry of Foreign Affairs with a view to obtaining names, authorized signatures and samples of travel documents issued by the different consulates for transmittal to the police forces assigned to border points, ports and airports;

7. Ongoing preparation of programmes and reports on the non-resident and resident alien population to facilitate their registration and control of their movements within the national territory;

8. Stricter requirements for the admission of restricted nationalities, for granting residency permits and Nicaraguan nationality, and for the control and stay of aliens in the national territory, under the provisions of the draft legislation of the Department of Migration and Alien Affairs;

9. Coordination with the Department of Migration and Alien Affairs in requesting the exchange of information on applications for residence permits with a view to assisting by checking the National Police database and making the appropriate inquiries of counterparts with respect to citizens seeking residency permits, with a view to preventing the presence in Nicaragua of citizens linked to terrorist acts or related crimes;

10. Establishment of protocols of cooperation with the Department of Migration and Alien Affairs, the Migration Department at the International Airport, overland entry points, and seaports with a view to the timely issuance of boarding cards to migrants who travel daily so that they can be consulted in a timely manner by the National Police, in order to prevent or detect possible trafficking in migrants linked to terrorist acts and related crimes.

Paragraph 3

(a) Find ways of intensifying and accelerating the exchange of operational information, especially regarding actions or movements of terrorist persons or

networks; forged or falsified travel documents; traffic in arms, explosives or sensitive materials; use of communications technologies by terrorist groups; and the threat posed by the possession of weapons of mass destruction by terrorist groups:

The following steps have been taken to intensify and accelerate the exchange of information:

1. Using the restricted web site of the Virtual Secretariat of the Regional Conference on Migration as a secure means of exchanging information;

2. Optimizing the information generated within the Central American Organization for Migration and the Regional Conference on Migration;

3. Expanding the exchange of information on combating organized crime, using existing mechanisms within the National Police for communicating with the Central American region, to include the campaign against terrorism and related crimes;

4. Strengthening liaison with the following entities and organizations:

(a) The anti-kidnapping groups of Central America and Panama;

(b) The FBI representative for the Central American region;

(c) The Attaché of the Federal Republic of Germany in Panama;

(d) The security attachés of the United States Embassy in Nicaragua;

(e) Members of the United States Consulate accredited to Nicaragua;

(f) The Representative of France for Central America.

5. Strengthening and implementing the existing communication mechanism for exchanging information with the INTERPOL subregional bureau in El Salvador and with the subregional bureau for South America;

6. Establishing a working protocol with the intelligence services of the Nicaraguan armed forces for the exchange of information on combating terrorism and related crimes, with a view to requesting information on such crimes from the intelligence services of the armed forces of the Central American countries;

7. Launching the process of automating the information currently kept in the register of police intelligence, to make it available to users classified for that purpose;

8. Putting together a dossier on citizens linked to terrorist acts about whom public and classified information is available, for monitoring and oversight purposes;

9. Launching the process of automated fingerprinting of citizens linked to terrorist acts and related crimes;

10. Establishing flexible mechanisms for coordination and communication with Central American laboratories to facilitate reciprocal cooperation in carrying out investigations or scientific and technical analyses in terrorism-related crimes, using the techniques available in Central America;

11. Strengthening the exchange of information on terrorism and related crimes among the liaisons established in the Central American region to help tackle the crime of vehicle theft;

12. Channelling information, through the means available, on the planning of terrorist acts and related crimes.

(b) Exchange information in accordance with international and domestic law and cooperate on administrative and judicial matters to prevent the commission of terrorist acts:

The Central American Plan for Comprehensive Cooperation to Prevent and Combat Terrorism and Related Activities, the purpose of which is to implement the measures adopted by the Heads of State and Government of the region in the declaration "Central America united against terrorism", was adopted by the resolution of the Central American Security Commission of 25 October 2001.

(c) Cooperate, particularly through bilateral and multilateral arrangements and agreements, to prevent and suppress terrorist attacks and take action against perpetrators of such acts:

Based on the Framework Treaty on Democratic Security in Central America, signed on 15 September 1995, the purpose of which is to combat, at the national and regional levels, crime, terrorism, illicit trafficking in arms and drugs and organized crime, and by decision of the Central American Presidents, the Central American Security Commission adopted the Central American Plan for Comprehensive Cooperation to Prevent and Combat Terrorism and Related Activities on 25 October 2001.

Inter-agency consultations are being conducted with a view to the signing of bilateral and multilateral agreements within and outside the Central American region, including a Central American convention and an inter-American convention for the prevention and elimination of terrorism.

(d) Become parties as soon as possible to the relevant international conventions and protocols relating to terrorism, including the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999:

Nicaragua has signed the following international conventions, which are awaiting adoption and ratification:

1. International Convention for the Suppression of the Financing of Terrorism. Transmitted on 29 November 2001 to the Office of the President of the Republic and submitted on 4 January 2002 to the National Assembly. The Foreign Affairs Committee will be issuing its opinion in the coming days, following which it will be placed on the legislative agenda for adoption;

2. Cooperation Agreement between Nicaragua and El Salvador on Combating Terrorism, Drug Trafficking and Related Activities. Awaiting signature by the President of the Republic;

3. International Convention for the Suppression of Terrorist Bombings. Submitted to the National Assembly on 20 November 2001;

4. Draft Decree adopting the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation. Sent to the legislature on 28 May 2001;

5. Draft Decree adopting the International Convention for the Suppression of Terrorist Bombings. Sent to the legislature on 20 November 2001.

(e) Increase cooperation and fully implement the relevant international conventions and protocols relating to terrorism and Security Council resolutions 1269 (1999) and 1368 (2001):

Nicaragua is a party to the following conventions relating to terrorism:

1. Convention on Offences and Certain Other Acts Committed on Board Aircraft, in force since 22 November 1973;

2. Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970, in force since 1973;

3. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971, in force since 1973;

4. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, ratified on 10 March 1975;

5. Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed on 1 March 1981. Nicaragua acceded to it by Executive Decree No. 9-98, published in *La Gaceta, Diario Oficial*, of 25-26 February 1998;

6. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988. Nicaragua acceded to it by National Assembly Decree No. 3093 of 25 October 2001.

On the instructions of the Office of the President of the Republic, public entities have been informed of the Security Council resolutions mentioned, so that each institution can transmit information on the measures taken with a view to drawing up the National Plan against Terrorism.

(f) Take appropriate measures in conformity with the relevant provisions of national and international law, including international standards of human rights, before granting refugee status, for the purpose of ensuring that the asylum-seeker has not planned, facilitated or participated in the commission of terrorist acts:

With regard to the granting of refugee status, the following measure has been adopted:

Establishment of coordination between the Department of Migration and Alien Affairs and the Office of the United Nations High Commissioner for Refugees (UNHCR) in order to ensure a secure, flexible and expeditious procedure for ruling on applications for refugee status in Nicaragua.

In the absence of formal procedures, the Department of Migration and Alien Affairs has received advice from the non-governmental organization *Consejo de*

Iglesias Evangélicas Pro Alianza Denominacional (CEPAD) and the UNHCR office in Mexico on how to respond to applications for refugee status. It has put in place the following procedure:

Applications for refugee status are submitted to and processed by the Department of Migration and Alien Affairs. However, in the cases that arise, the presence and participation of CEPAD are requested.

The first, mandatory interview is conducted in the Migration Holding Centre. If the competent UNHCR authority wishes to interview the applicant, it can do so, after which the Department requests a ruling on the case in the form of a recommendation.

Once the applicant qualifies for refugee status, he or she is issued a temporary resident's document[3] that entitles him or her to work. If the application is denied, the applicant cannot reapply.

(g) Ensure, in conformity with international law, that refugee status is not abused by the perpetrators, organizers or facilitators of terrorist acts, and that claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists:

As already described, the Government of Nicaragua, through the Department of Migration and Alien Affairs, implements the procedure for granting refugee status with assistance from two institutions, CEPAD and UNHCR, in accordance with the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees.

Paragraph 4

Notes with concern the close connection between international terrorism and transnational organized crime, illicit drugs, money-laundering, illegal arms-trafficking, and illegal movement of nuclear, chemical, biological and other potentially deadly materials, and in this regard emphasizes the need to enhance coordination of efforts on national, subregional and international levels in order to strengthen a global response to this serious challenge and threat to international security:

Since 1996, Nicaragua has been a party to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, which monitors the export, import, transit and elimination of wastes through notification and movement documents.

Report prepared by the Department of Sovereignty, Territory and International Legal Affairs of the Ministry of Foreign Affairs, Managua, Nicaragua.

Transmitted by the Permanent Mission of Nicaragua to the United Nations.

---

[3] Under the General Migration and Aliens Act and its implementing regulations, refugees are granted temporary resident status with the possibility of converting to permanent resident status at any time.